

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURTIS E. ARMANN,)	
)	Civil Action No. 04-118(E)
Petitioner,)	
)	
v.)	Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
WARDEN, FCI McKEAN,)	
)	
Respondent.)	filed electronically

MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY

AND NOW, comes Respondent Helen J. Marberry,¹ Warden, FCI McKean ("Respondent") by her attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Wiegand, Assistant United States Attorney for said district, and respectfully requests this Honorable Court to enter an Order enlarging the time in which to file a Reply to Petitioner's *Response to Respondent's Notice of Appeal* filed in this matter for the following reasons:

1. On September 29, 2006, Respondent filed a Notice of Appeal of Magistrate Judge Baxter's Order of September 15, 2006, granting Petitioner's motion for an evidentiary hearing.
2. On October 31, 2006, Respondent was served with Petitioner's Response to the Notice of Appeal.
3. Pursuant to the Court's practice, Respondent construes the due date, without enlargement, for any reply as November 20, 2006.

¹Helen J. Marberry has replaced James Sherman as Warden of FCI McKean, and pursuant to Fed.R.Civ.P. 25(d)(1), is automatically substituted for Mr. Sherman as Respondent in this matter.

4. Counsel for Respondent will be out of the state from November 17, 2006 through November 26, 2006.

5. Respondent respectfully requests an enlargement of time of an additional ten (10) days, or until December 5, 2006, within which to file a Reply to Petitioner's Response.

CONCLUSION

WHEREFORE, for the foregoing reasons, Respondent respectfully requests that this Honorable Court enter an Order enlarging the time for filing a Reply to Petitioner's Response to Respondent's Notice of Appeal an additional ten (10) days, or until December 5, 2006.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Christy Wiegand
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Counsel for the Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served this date a copy of the within *Motion for Enlargement of Time to File Reply*, by mail or electronic filing, upon the following:

Thomas W. Patton
Federal Public Defender's Office
1001 State Street
1111 Renaissance Cetrre
Erie, PA 16501

s/ Christy Wiegand
CHRISTY WIEGAND
Assistant United States Attorney

Date: November 14, 2006